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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,028	11/29/2001	Carl Phillip Gusler	AUS920010954US1	6829

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EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,028

Applicant(s)

GUSLER ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/29/01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 13-20, are rejected under 35 U.S.C. 102(b) as being anticipated by Ahlberg et al. (US Patent 5,657,372).

Regarding claims 1 and 13, Ahlberg et al. disclose a method of delayed answering of calls directed to a mobile telephone, comprising:

accepting an incoming call from a calling party device (see col.11 lines 44-49);

disabling transmission of input from a voice pickup device associated with the mobile telephone during a preset delay period from a time the incoming call is accepted (see col.11 lines 50-52); and

transmitting a prerecorded message to the calling party device during the preset delay period (see col.11 lines 52-56).

Regarding claims 2 and 14, Ahlberg et al. disclose in response to detection of a voice input, disabling transmission of the prerecorded message; and enabling transmission of input from the voice pickup device (see col.6 lines 65-66 and col.11 lines 44-56).

Regarding claims 3 and 15, Ahlberg et al. disclose the preset delay period is set as an option in the mobile telephone (see col.9 lines 16-24).

Regarding claims 4 and 16, Ahlberg et al. disclose the preset delay period is set as an option when a user of the mobile telephone registers with a mobile telephone network (see col.11 lines 24-32).

Regarding claims 5 and 17, Ahlberg et al. disclose determining an operating mode of the mobile telephone, wherein disabling transmission of input from a voice pickup device and transmitting a prerecorded message are performed only if the operating mode of the mobile telephone is set to an operating mode in which delayed answering is enabled (see col.11 lines 44-56).

Regarding claims 6 and 18, Ahlberg et al. disclose determining the operating mode includes detecting a delayed answer input from a user of the mobile telephone (see col.11 lines 44-46).

Regarding claims 7 and 19, Ahlberg et al. disclose the operating mode of the mobile telephone is set by way of one or more on-screen menus of the mobile telephone (see col.6 lines 57-64).

Regarding claims 8 and 20, Ahlberg et al. disclose the operating mode of the mobile telephone is set by way of a physical switch associated with the mobile telephone (see col.6 lines 51-56).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlberg et al. in view of Pinder et al. (US Patent 6,701,160).

Regarding claims 9 and 21, Ahlberg et al. disclose identity of the caller (see col.9 lines 59-61). However, Ahlberg et al. fail to disclose "comparing the identity of the calling party with a list of calling party".

Pinder et al. disclose "comparing the identity of the calling party with a list of calling party" (see col.6 lines 6-8). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahlberg et al. with the above teaching of Pinder et al. in order to provide a feature not to require the mobile user to pick up the device and to determine the caller's identity every time a call is received and/or under certain circumstance to limit incoming call from certain callers.

5. Claims 10-12 and 22-32 and 34-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlberg et al. in view of Davis et al. (US Pub. 2002/0052225).

Regarding claims 10 and 22, Ahlberg et al. fail to disclose "a schedule of events from a memory associated with the mobile telephone".

Davis et al. disclose "a schedule of events from a memory associated with the mobile telephone" (see par.0061, 0119-0121). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahleberg et al. with the above teaching of Davis et al. in order to provide setting up events in a computer-based electronic calendar controlling the activation and/or deactivation of certain operating modes.

Regarding claims 11-12 and 23-24, the modified Ahlberg et al. disclose determining if the event (see Davis et al., par.0061) is an event for which delayed answering is to be used includes at least one of retrieving an identifier (see col.9 lines 60-61) indicating whether delayed answering is to be used and retrieving an identifier of an operational mode of the mobile telephone associated with the event (see col.11 lines 44-55).

Regarding claims 25, Ahlberg et al. fail to disclose "a computer program product instructions".

Davis et al. disclose "a computer program product instructions" (see par.0026). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahlberg et al. with the above teaching of Davis et al. in order to provide software is defined as one or more instructions that when executed, cause the wireless communication unit to perform a certain function or operation.

Regarding claims 26-32, the modified Ahlberg et al. and Davis et al. disclose everything as claims 25 and 2-8 above.

Regarding claims 34-35, the modified Ahlberg et al. and Davis et al. disclose everything as claim 25 and 10 above.

Regarding claim 36, the modified Ahlberg et al. and Davis et al. disclose everything as claim 25 and 11 above.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlberg et al. in view of Davis et al. and further in view of Pinder et al.

Regarding claim 33, the combination Ahlberg et al. and Davis et al. fail disclose identity of the caller (see col.9 lines 59-61). However, Ahlberg et al. fail to disclose "comparing the identity of the calling party with a list of calling party".

Pinder et al. disclose "comparing the identity of the calling party with a list of calling party" (see col.6 lines 6-8). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahlberg et al. and Davis et al. with the above teaching of Pinder et al. in order to provide a feature not to require the mobile user to pick up the device and to determine the caller's identity every time a call is received and/or under certain circumstance to limit incoming call from certain callers.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN
May 20, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER